

# **EXHIBIT A**

## Casey L. Shomaker

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**From:** John Downing <JDowning@kasowitz.com>  
**Sent:** Wednesday, August 6, 2025 12:34 PM  
**To:** Casey L. Shomaker; Jonathan H. Hicks; Intellectual Ventures; Allen Gardner  
**Cc:** AA\_Intellectual\_Ventures  
**Subject:** RE: IV v. American - JCCPS

Casey,

IV will move forward with the deposition on Monday. As far as our experts, we are reviewing Mr. Goodrich's declaration and plan to file declarations rebutting his positions. As we have explained, we do not believe this is out of time and is consistent with how this has been handled in the past. The declarations will only rebut the opinions of Mr. Goodrich.

Regards,

John

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**From:** Casey L. Shomaker <cshomaker@McKoolSmith.com>  
**Sent:** Tuesday, August 5, 2025 7:25 AM  
**To:** John Downing <JDowning@kasowitz.com>; Jonathan H. Hicks <Jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>  
**Cc:** AA\_Intellectual\_Ventures <AA\_Intellectual\_Ventures@mckoolsmith.com>  
**Subject:** RE: IV v. American - JCCPS

John,

IV has known for months that expert declarations were due yesterday and claim construction discovery closes on Monday. It should come as no surprise that Dr. Goodrich is available to be deposed on his declaration within that window of time. Does IV intend to move forward with the deposition on Friday?

Separately, does IV intend to seek leave to serve expert declarations out of time? American will oppose and is available to confer.

Regards,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas, TX | Tel: (214) 978-4218

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**From:** John Downing <JDowning@kasowitz.com>  
**Sent:** Monday, August 4, 2025 10:42 PM  
**To:** Casey L. Shomaker <cshomaker@McKoolSmith.com>; Jonathan H. Hicks <Jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>

**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>

**Subject:** RE: IV v. American - JCCPS

Casey,

We do not agree with your position on PR 4-3. We plan to review the declaration and provide a rebuttal declaration as we have done many times in the past in this Court. Why are we just learning that Mr. Goodrich's only availability is a deposition this Friday?

John

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>

**Sent:** Monday, August 4, 2025 8:31 PM

**To:** John Downing <[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)>; Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>

**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>

**Subject:** RE: IV v. American - JCCPS

John,

We understand IV will not be serving an expert declaration in accordance with PR 4-3. We previously explained that the schedule does not permit an extension, particularly since our expert reserved this week for the deposition. IV did not dispute this observation. American will move to strike any late-disclosed opinions as procedurally defective and untimely.

Pursuant to the Docket Control Order (Dkt. 44) and P.R. 4-3(b), attached for service is the Declaration of Michael T. Goodrich. Dr. Goodrich is available for deposition on Friday, August 8.

Regards,

**McKool Smith** | Casey L. Shomaker

Associate | Dallas, TX | Tel: (214) 978-4218

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**From:** John Downing <[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)>

**Sent:** Monday, August 4, 2025 10:06 PM

**To:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>; Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>

**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>

**Subject:** RE: IV v. American - JCCPS

Casey,

Per Allen's email, our team is traveling from a trial. We requested an extension and American declined earlier if you recall. Many are in the air. We have disclosed our experts in rebuttal, so we are not exchanging an expert declaration today.

Regards,

John

John Downing  
Kasowitz LLP  
101 California Street,  
Suite 3950  
San Francisco, California 94111  
Tel. (650) 453-5426  
Fax. (650) 362-9430  
[JDowning@kasowitz.com](mailto:JDowning@kasowitz.com)

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>  
**Sent:** Monday, August 4, 2025 8:02 PM  
**To:** Jonathan H. Hicks <[jhicks@kasowitz.com](mailto:jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>  
**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>  
**Subject:** RE: IV v. American - JCCPS

Counsel,

We have been asking IV to provide a time to exchange expert declarations since noon. It's now after 10PM. Please provide us the courtesy of a response.

Regards,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas, TX | Tel: (214) 978-4218

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>  
**Sent:** Monday, August 4, 2025 9:11 PM  
**To:** Jonathan H. Hicks <[jhicks@kasowitz.com](mailto:jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>  
**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>  
**Subject:** RE: IV v. American - JCCPS

Counsel,

It's getting late here. Can we get an update?

Thanks,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas | (214) 978-4218

---

**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>  
**Sent:** Monday, August 4, 2025 8:17 PM

**To:** Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>  
**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>  
**Subject:** Re: IV v. American - JCCPS

Following up again. Please provide a time to exchange declarations tonight.

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas | (214) 978-4218

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>  
**Sent:** Monday, August 4, 2025 6:38:21 PM  
**To:** Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>  
**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>  
**Subject:** RE: IV v. American - JCCPS

Jonathan,

We made one addition to the JCCPS in redline, as well as a few formatting nits. You may accept the changes and file, along with Exhibit B. Please let us know when IV is ready to exchange expert declarations.

Thank you,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas | (214) 978-4218

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**From:** Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>  
**Sent:** Monday, August 4, 2025 5:54 PM  
**To:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>  
**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>  
**Subject:** RE: IV v. American - JCCPS

Counsel,

Please confirm the attached is the final version of Exhibit B to the JCCS. We can handle the filing.

Also, IV accepted all changes to the draft JCCS that American sent on Friday and made a few additional changes, see attached in tracked changes. Please confirm IV can proceed with filing this draft.

Best,  
Jonathan

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>  
**Sent:** Monday, August 4, 2025 1:21 PM  
**To:** Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>

Cc: AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>

Subject: RE: IV v. American - JCCPS

Counsel,

Following up on the below. Please confirm IV is prepared to file the JCCPS incorporating American's edits and exchange expert declarations at 5PM CT.

Regards,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas, TX | Tel: (214) 978-4218

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>

**Sent:** Monday, August 4, 2025 12:07 PM

**To:** Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>

**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>

**Subject:** RE: IV v. American - JCCPS

Counsel,

Attached is Exhibit B to the JCCPS. We propose the parties exchange expert declarations at 5PM CT. Please confirm IV agrees to do so.

Thank you,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas | (214) 978-4218

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>

**Sent:** Friday, August 1, 2025 1:54 PM

**To:** Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>

**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>

**Subject:** RE: IV v. American - JCCPS

Jonathan,

Attached are American's suggested edits. We will provide Exhibit B on Monday.

Thanks,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas | (214) 978-4218

**From:** Jonathan H. Hicks <[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)>

**Sent:** Friday, August 1, 2025 1:19 PM

**To:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>; Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>

**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>

**Subject:** RE: IV v. American - JCCPS

Casey,

Please find attached a draft Joint Claim Construction and Pre-Hearing statement.

IV will provide information for intrinsic and extrinsic evidence on Monday.

Best,  
Jonathan

Jonathan H. Hicks  
Kasowitz LLP  
101 California Street,  
Suite 3950  
San Francisco, California 94111  
Tel. (650) 453-5423  
Fax. (650) 362-9328  
[Jhicks@kasowitz.com](mailto:Jhicks@kasowitz.com)

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>

**Sent:** Friday, August 1, 2025 7:40 AM

**To:** Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>

**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>

**Subject:** RE: IV v. American - JCCPS

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Counsel,

Please send a draft without further delay. The JCCPS is due on Monday.

Regards,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas, TX | Tel: (214) 978-4218

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>  
**Sent:** Thursday, July 31, 2025 2:10 PM  
**To:** Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>  
**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>  
**Subject:** RE: IV v. American - JCCPS

Counsel,

Following up on this. Please provide a draft today.

Regards,

**McKool Smith** | Casey L. Shomaker  
Associate | Dallas, TX | Tel: (214) 978-4218

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**From:** Casey L. Shomaker <[cshomaker@McKoolSmith.com](mailto:cshomaker@McKoolSmith.com)>  
**Sent:** Monday, July 28, 2025 9:54 AM  
**To:** Intellectual Ventures <[IntellectualVentures@kasowitz.com](mailto:IntellectualVentures@kasowitz.com)>; Allen Gardner <[Allen@allengardnerlaw.com](mailto:Allen@allengardnerlaw.com)>  
**Cc:** AA\_Intellectual\_Ventures <[AA\\_Intellectual\\_Ventures@mckoolsmith.com](mailto:AA_Intellectual_Ventures@mckoolsmith.com)>  
**Subject:** IV v. American - JCCPS

Counsel,

Please provide a draft of the Joint Claim Construction and Prehearing Statement by Wednesday so American can provide its edits and additions ahead of the August 4 deadline.

Thank you,

**McKool Smith**

**Casey L. Shomaker**  
Associate  
Dallas, TX  
Tel (214) 978-4218  
[www.mckoolsmith.com](http://www.mckoolsmith.com)

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